

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 116-S04P0843	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/007776	International filing date (day/month/year) 28.05.2004	Priority date (day/month/year) 26.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant SONY CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/007776

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-32 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* 1-24 _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets fig. 1-34 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☒ the claims, nos. 25-36 _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/007776

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-4, 7-24</u>	YES
	Claims	<u>5, 6</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-24</u>	NO
Industrial applicability (IA)	Claims	<u>1-24</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
Claims 5 and 6			
<p>Document 1 (JP 9-162821 A (Toshiba Corp.), 20 June 1997, paragraphs [0017] to [0074] and fig. 1 to 18) discloses:</p> <p>a feature wherein the data multiplexing circuit of the broadcast transmission device (fig. 1) provides data that is configured by time-division multiplexing a first program with a "link information table" (paragraph [0023]) which contains the "broadcast channel frequency" of a program that linked to by the first program (paragraph [0024]) and the "title of the linked program or an icon that represents the content thereof" (paragraph [0072]) over a first broadcast channel;</p> <p>a feature wherein the broadcast reception device (fig. 2) switches the broadcast channel that is being received from the first broadcast channel to the abovementioned "broadcast channel frequency" that is included within the link information table in cases when the abovementioned icon is selected while receiving the aforementioned first channel (paragraphs [0047] to [0063]);</p> <p>a feature wherein the broadcast reception device is capable of returning to the program that was being received prior to the switching operation based on the</p>			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/007776

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

inputs from a user (paragraph [0051]); and
a feature wherein the broadcast reception device
transmits information that has been input by the viewer
to a database via the internet based on the program that
is being viewed (paragraph [0066]).

Therein, document 1 discloses a feature wherein the
broadcast reception device switches from the first
broadcast channel to the broadcast channel frequency that
is included within the link information table, and thus,
naturally, is considered to disclose a configuration
wherein the linked program is provided over a channel
that is different from the first broadcast channel.

As a result, claims 5 and 6 lack novelty in the
light of document 1.

Claim 7

Document 2 (JP 9-83969 A (Toshiba Corp.), 28 March
1997, claim 1, paragraphs [0020] and [0027] to [0028],
and fig. 1) discloses a feature wherein "advertising
agencies" or "mail order businesses," which is to say
third-party organizations other than the broadcasting
organization (12) (refer to paragraph [0020]), produce
data broadcast programs for taking surveys (paragraph
[0026]) or data broadcast programs ("transaction
broadcasts") for receiving product orders (paragraph
[0027]), whereafter the broadcasting organization (12)
uses a "data channel" that is independent from the video
signal or the audio signal in order to multiplex and then
transmit the data broadcast programs that have been
produced (claim 1).

Therefore, it would have been easy for a person
skilled in the art to conceive of transmitting the data

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

broadcast programs that are disclosed in document 2 by means of the invention that is disclosed in document 1.

As a result, claim 7 does not involve an inventive step in the light of documents 1 and 2.

Claim 8

Document 3 (JP 2002-511202 A (Mindport B. V.), 09 April 2002, abstract; page 22, line 8 to page 24, line 7; and fig. 2 & WO 1998/028869 A2, abstract; description, page 12, line 36 to page 15, line 3; and fig. 2) discloses a feature wherein the broadcasting organization provides a plurality of sets of advertising content that correspond to a plurality of Spanish language channels (S1 to S5, 202) and a plurality of English language channels (E1 to E7, 204), respectively, by means of a single "advertising channel (200)."

Therefore, it would have been easy for a person skilled in the art to conceive of organizing the programs of the invention that is disclosed in document 1 in the manner that is disclosed in document 3.

Document 4 (JP 2002-164862 A (Kabushiki Kaisha Wowow), 07 June 2002, claim 1 and paragraph [0011]) discloses system that allows a user access to the broadcasting organization via a communication circuit in order to produce a broadcast program, wherein the aforementioned broadcasting organization prepares a plurality of example program structures and elements such as music, sound effects and pictures, which are necessary for the production of a broadcast program, in advance so that it is possible for the user to produce a single broadcast program by optionally selecting an appropriate example program structure and appropriate elements from

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/007776

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

among the example program structures and elements in question.

Document 5 (JP 2000-244427 A (Advent Television Ltd.), 08 September 2000, claim 2, paragraphs [0025] to [0039], and fig. 1 & EP 1032148 A2, claim 2, paragraphs [0025] to [0033], and fig. 1) discloses a system that allows a user to access a first computer (12) via a network in order to create an advertisement program to be broadcast by means of digital television broadcast systems (14a, 16a and 18a), wherein the first computer comprises a clip art collection that is configured from pieces of clip art that were selected by a user (claim 2).

In the technical field related to the production of programs, techniques for producing generic content based on elements or the like that were prepared in advance are well known among persons skilled in the art, as disclosed in document 4 or document 5 for example; therefore, it would have been easy for a person skilled in the art to conceive of employing such well-known program production techniques when producing broadcast programs for the invention that is disclosed in document 1.

As a result, claim 8 does not involve an inventive step in the light of document 1 and documents 3 to 5.

Claims 1 to 4 and 9 to 24

Document 6 (Toshiro YOSHIMURA and Kazuya USUI, "Digital Housou no Kiso Gijutsu Nyuumon -- Dai 1 Sho - Internet to Narabu Jisedai Jouhou Infrastructure no Gaiyou -- Digital Housou System no Kiso Gijutsu," CQ Shuppan Kabushiki Kaisha, 01 January 2002, pages 4 to 22) presents a digital broadcast system wherein a plurality

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

of commissioned broadcasting organizations respectively provide content to reception devices over a first broadcast channel while one commissioned broadcasting organization provides content to the reception devices over a second broadcast channel (in particular, refer to document 6, pages 8 to 9, the section titled "Service, Houshiki toshite no Tokucho"; pages 21 to 22, the section titled "Housoukyoku System"; table 1 and fig. 23).

In other words, for example, digital broadcast systems that are equipped with a plurality of provision devices for providing content to reception devices over a first broadcast channel as well as a different provision device for providing content to the reception devices over a second broadcast channel are well known among persons skilled in the art, as disclosed in document 6.

Therefore, it would have been easy for a person skilled in the art to conceive of employing the channel switching technology that is disclosed in document 1 in systems like the system indicated above, which are well known among persons skilled in the art.

Meanwhile, the advertising channel that is disclosed in document 3 is provided in a manner such that it is common to a plurality of Spanish language channels and a plurality of English language channels.

However, techniques wherein a plurality of mutually associated programs are produced by different organizations are well known among persons skilled in the art, as disclosed in document 7 (JP 2001-8060 A (Victor Company of Japan, Ltd.), 12 January 2001, paragraphs [0016] and [0024]).

Therefore, it would have been easy for a person skilled in the art to conceive configuring so that two

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/007776

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

commissioned organizations provide a plurality of Spanish language programs and a plurality of English language programs over a first broadcast channel while another commissioned organization provides advertisements that are common to the programs in question over a second broadcast channel in order to organize the programs of the abovementioned digital broadcast system in the manner that is disclosed in document 3.

In addition, refer to the explanations in relation to the other claims with regards to the remaining features that are set forth in claims 1 to 4 and 9 to 24.

As a result, claims 1 to 4 and 9 to 24 do not involve an inventive step in the light of documents 1 to 7.

BEST AVAILABLE COPY